

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-25 are pending. Claims 1-8, 10-19 and 21-25 stand rejected. Claims 9 and 20 are objected to.

Claims 1-8, 10-19 and 21-25 stand rejected under 35 USC 103(a) as being unpatentable over Mankovitz (USP no. 5,949,492) in view of Zuppich (USP no. 6,698,654) and further in view of Kawagishi (USP no. 5,798,507).

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims for reasons similar to those recited in the Response to the prior Office Action as the above-referred to claims were rejected for substantially the same reasons recited in the prior Office Action.

Mankovitz teaches that the communications protocols used to communicate between the devices is known, and pre-stored, and a mere translation of one protocol to another is performed to enable the devices to communicate. Mankovitz fails to disclose that a downloaded agent includes a known protocol that is used to control the communications between the host and the card, as is described in the claims.

Zuppich disclose a card reader that interfaces between a host application program and a data storage card. The card reader translates high level language commands of the host program to corresponding sequences of low level commands for reading and writing to the data storage card. Zuppich discloses that the reader includes a store of protocols for different card applications and selects the appropriate lower level protocol for the identified card application. The reader further translates high level language host application program commands to corresponding commands with the identified lower level protocol. Hence, Zuppich teaches communications protocols used to communicate between the devices that are known, and pre-stored, in the host, and performs a translation of one protocol to another. Zupicich, however, fails to disclose that the downloaded agent includes a known protocol that is used to control the communications between the host and the card, as is described in the claims.

Kawagishi teaches an IC card reader/writer, wherein the reader/writer wherein a protocol is set by a command transmitted from a host device to the read/writer. (See

Abstract). Kawagishi more specifically discloses that the read/writer comprises "receiving means for receiving a command containing protocol information corresponding to one of a plurality of protocols from a host device; analyzing means for analyzing the command received by the receiving means; setting means for setting a protocol for communication with an IC card according to the protocol information contained in the command analyzed by the analyzing means; and communication s means for communicating with the IC card based on the protocol set by the setting means." (see col. 1, lines 45-54). In another aspect, Kawagishi teaches that "[b]y previously setting a corresponding protocol according to a command transmitted from the host device to the IC card reader/writer, the IC card reader/writer can deal with an IC card having a plurality of different protocols." (see col. 2, lines 33-36).

Hence, Kawagishi teaches a system wherein an IC card provides information about a protocol to the read/writer and, using the protocol information, sets the protocol to be used. Kawagishi further discloses that the read/writer partially controls the protocol to be used as the read/writer determines whether the protocol information provided by the IC card matches the protocol set in the reader/writer. If not, the card is rejected (see col. 5, lines 9-26, which state, "[f]or example, the reader /writer checks whether the IC card coincides with the protocol set in step S3a based on data contained in the initial information which can be used to determine the protocol of the IC card (step S8). When an IC card of a protocol different from the protocol set in the reader/writer is inserted, the protocol is checked in the step S8, and then the IC card is treated, e.g., ejected, as an abnormal card. In this case, if the host device transmits data corresponding to another protocol which permits communication with the IC card ... On the other hand, if coincidence of the protocols is determined based on the initial information from the IC card in the step S8, the initial information is transmitted to the host device via the communication interface and the communication port 3.") However, Kawagishi fails to teach or suggest that an agent is downloaded from the IC card to the host as the read/writer determines whether it can process the protocol. Hence, contrary to the statement made in the Office Action, Kawagishi fails to teach or suggest downloading an agent as is recited in the claims.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

As noted above, neither Mankovitz, Zuppich nor Kawagishi teach nor suggest a downloaded agent including a known protocol that controls the communication between applications using the protocol, as recited in the claims. Hence, even if the references were combined as suggested, the combination would not include all the elements recited in the claims, as neither reference discloses a downloaded agent including a known protocol. As the combined invention does not include as the elements claimed, the combination device fails render obvious the present invention.

Having shown that the references cited fail to render obvious the invention claimed in claim 1, applicant submits that the rejection of claim 1 has been overcome and can no longer be sustained. Applicant, therefore, respectfully requests that the rejection be withdrawn and the claim allowed.

With regard to independent claims 12 and 23-25, these claims recite subject matter similar to that recited in claim 1 and have been rejected for the same reason cited in rejecting claim 1. Accordingly, for the applicant's remarks made in response to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claims 12 and 23-25, applicant submits that the rejection of these claims has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining claims, these claims ultimately depend from claims 1 and 12, which have been shown to be allowable over the references cited. Accordingly, these claims are also allowable by virtue of their dependency upon an allowable base claim.

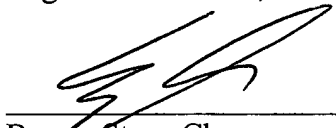
Applicant thanks the examiner for the indication of allowable subject matter in claims 9 and 20. However, for the amendments made to the claims and for the remarks made herein, applicant believes that all the claims are in an allowable form. Applicant

respectfully request that the objection to claims 9 and 20 be withdrawn and the claims allowed.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Russell Gross
Registration No. 40,007


By: Steve Cha
Attorney for Applicant
Registration No. 44,069

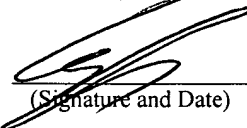
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Mail all correspondence to:
Russell Gross, Registration No. 40,007
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9608
Fax: (914) 332-0615

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Steve Cha, Reg. No. 44,069
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